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No. 207

Supreme Court, U.S.
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In the Supreme Court of the United States

OCTOBER TERM, 1968

THE MARYLAND PETITION COMMITTEE, ET AL.,
PETITIONERS

v.

LYNDON B. JOHNSON, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D. C. 20530.

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Petitioners brought this action against the President and other federal officials, seeking a declaration that the Fourteenth Amendment to the Constitution of the United States is invalid because unlawfully adopted, and an injunction restraining respondents from enforcing its provisions. The district court dismissed the suit for want of jurisdiction because of petitioners' lack of standing and the absence of a justiciable

controversy. 265 F. Supp. 823. The court pointed out that it appeared during the hearing that petitioners' claimed injury was that the individual petitioners "are being forced to send their white children to schools with Negro children, contrary to the laws of Maryland." 265 F. Supp. at 825. The court of appeals summarily affirmed. 391 F. 2d 933.

It is plain that the petition presents no substantial question warranting further review. *Brown* v. *Board of Education*, 347 U.S. 483. It should, therefore, be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

JULY 1968.

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